

Remarks

Claim 1 was rejected under 35 USC 112, second paragraph for failure to particularly point out and distinctly claim the subject matter regarded by the Applicants as their invention. Claims 1 through 3, 7 through 12 and 18 through 20 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,302,331 to Dvorsky et al. (hereinafter the '331 patent). Claims 13 through 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '331 patent. Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over the '331 patent in view of US Patent 4,962,885 to Coffee (hereinafter the '885 patent). Claims 23 through 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '331 patent in view of US Patent 5,064,123 to Aiello et al. (hereinafter the '123 patent). Claims 6, 21 and 27 were objected to as being dependent upon a rejected base claim, but were found to be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Claims 29 and 30 were found to be allowable. The Applicants note with appreciation the Examiner's indication of the allowable subject matter recited therein.

Rejection under 35 USC 112, second paragraph

The Examiner alleges that the Applicants' use of the term "one fluid entrance" in claim 1 is an attempt to deviate from its ordinary meaning. The Applicants respectfully disagree, as no special meaning was intended or conveyed in claim 1. Recourse to original FIGS. 2, 3 and 5 bear this position out, where the fluid entrance 23 merely acts as a conduit to introduce a fluid into the manifold 22 in order to have it be subsequently delivered to numerous fluid exit holes 25 that make up nozzle 8. Taking the Examiner's position that the accepted meaning is "an entrance into a fluid passage leading to each nozzle", it can be seen with particularity from FIG. 5 (and described in the corresponding text at page 7 of the original specification) that fluid can pass through entrance 23 to passages 24 on its way to a point of discharge at exits 25 of each nozzle 8. The Applicants submit that the fluid entrance of claim 1 is fully consistent with the ordinarily accepted meaning and the Examiner's interpretation thereof, and as such introduces no

indefiniteness into the claim. Accordingly, the Applicants request that the Examiner remove the present indefiniteness rejection of claim 1.

Rejection under 35 USC 102(b)

Independent claims 1 and 26 have been amended to more particularly recite the path that the fluid must travel when going from the inlet at the fluid entrance to a point of discharge at the fluid exit spray sites. Thus, the claims now recite that the fluid branches out into an increasing number of fluid paths on its way to the spray sites as a way to have the fluid passage promote a substantially equidistant travel path between the entrance and the discharge, irrespective of which of the branching fluid paths that the fluid travels through.

Support for the present amendment can be found in original FIG. 5, where the flow of fluid through passage **24** branches out from the entrance **23** to the various fluid exits (i.e., spray sites) **25**, in conjunction with lines 8 through 19 of page 7 of the original PCT specification that discuss the substantially equidistant travel paths of the fluid being conveyed through the various paths of the passage. The explicit showing in FIG. 5 includes the use of branched fluid paths to achieve the division of flow between the entrance and the exits. As can be seen, the distance the fluid must travel from the entrance to any of the exits is substantially equal, irrespective of which of the paths the fluid takes. Because it has long been the law (*see, e.g., 35 USC 111(a)(2)*) that original drawings are part of the patent application, changes made to a claim that put into words a disclosure made by those drawings do not introduce new matter, and are therefore permissible. Because independent claims 1 and 26 have been amended to recite the equidistant nature of the fluid paths that extend from the entrance to the exits, no new matter has been introduced.

Regarding the '331 patent, the equidistant passage **114**, shown in FIGS. 4 and 5 and cited by the Examiner, does not possess multiple fluidly decoupled paths that branch out from the fluid entrance, instead showing how the fluid passes from passage **114**, through a perforated plate **118** and back into a common plenum to pass around a bank of nozzles **120**. In addition, there is no evidence that the fluid that traverses passage **114** passes through the manifold **190**. As such,

there are significant structural differences, including that the equidistant passage 114 cannot promote a substantially equal travel distance of the fluid from the fluid entrance to any one of the fluid spray sites irrespective of which of the fluidly decoupled paths it travels through. Because MPEP 2131 clearly states that a valid anticipatory rejection requires that a single reference must disclose each and every positively recited limitation, and because there are substantial configurational differences between the device of the '331 patent and amended claims 1 and 26, the Applicants respectfully submit that the present rejection may no longer be maintained. Because dependent claims 2, 3, 7 through 12 and 18 through 20 depend from independent claim 1s, they too are not anticipated by the '331 patent.

Rejection under 35 USC 103(a)

"To establish a *prima facie* case of obviousness, three basic criteria must be met." MPEP 2143. One of the requirements is that all of the claim limitations must be taught or suggested. MPEP 2143.03. Regarding the obviousness rejection of claims 13 through 17 and 22 through 26, there is nothing in the '885 patent or the '123 patent, either separately or collectively, that remedies the '331 patent's omission of the features of the presently amended independent claims 1 and 26. As such, MPEP 2143.03 ensures that the present obviousness rejection can no longer be maintained.

CONCLUSION

Because all of the independent claims as presently amended recite features that are neither found nor suggested by the cited references, the Applicants submit that such claims are patentably distinguishable therefrom, and are accordingly entitled to a finding of allowance by the Examiner. Furthermore, because all of the dependent claims place additional limitations on the independent claims, they too are patentably distinguishable, and as such are also in condition

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for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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